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CENTRAL FAX CENTERSerial No. 10/761,830  
Atty. Doc. No. 10448-002

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**REMARKS (FOR DISCUSSION PURPOSES ONLY)**

Claims 1 - 6, and 8 - 11 were pending in this RCE application. New claim 12 has been added (for discussion purposes only).

Support for the new claim may be found specifically in paragraphs 0050 through 0052 and in FIGS. 16 - 19 of the specification. MPEP 608 permits the Applicant to rely on the drawings in providing a descriptive basis for the amendments.

First, Applicant submits that Hernandez (US 2003/0110554A1) does not show or suggest a conical neck adapted to rest along its transition on the top opening of the ventilation pipe resulting in a low tolerance fit for a variety of ventilation pipe sizes. Hernandez, rather, shows a tight fitting pipe engaging section 14 stopped by a tight fitting shoulder 16'. As such, the device of Hernandez would only fit one size pipe.

Second, Applicant submits that Hernandez does not show or suggest a tubular sleeve adapted to be inserted within a ventilation pipe and disposed radially inwardly from the ventilation pipe forming a gap bounded by the tubular sleeve, the conical neck, and the ventilation pipe; wherein the tubular sleeve and conical neck comprise a plurality of ventilation orifices for venting of gas which may be trapped in said gap. Hernandez, rather, shows a pipe engaging section 14 and shoulder 16' with no gap and no orifices in pipe engaging section 14 even if there was a gap.

Similarly, with respect to Howson (U.S. Patent No. 6,799,606), Howson does not show the tubular sleeve or conical neck having a plurality of ventilation orifices for venting of gas which may be trapped in the gap. Howson would not need such orifices since it is a drainage device and venting of gas is not addressed therein.

With respect to the remaining references, including Levy (U.S. 926,704) none of them show or suggest the combination of features of the present claim, nor would it be obvious to modify the references to meet the invention. In particular, the Examiner relied on the Levy reference as disclosing a plurality of passageways in the sleeve. The Levy reference shows a plurality of wires bent into various shapes to form a basket as its upper portion and a cylindrical formed downward extending set of wires held together with a band. The wires that extend into the pipe are actually pressed outward against the inner surface of the pipe by the band and, thus, are not used for ventilation and could not be adapted for such use as the wires

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and band hold the device in place. Applicant therefore submits that these wires do not disclose nor teach a tubular sleeve with ventilation orifices (i.e., holes), nor would it be obvious (or even possible) to combine the wire contraption of Levy with the pipe protector of Hernandez or drainage device of Howson to meet the invention as claimed.

With respect to the 112 rejections, Applicant has attempted to overcome said rejection by avoiding reference to dimensions with respect to the pipe itself. However, if the above-proposed claim still defined in terms of a structure that is not defined as part of the claim, Applicant requests assistance from the Examiner to develop proper wording to overcome a potential 112 rejection.

Respectfully submitted,

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